

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JASON FALLS,)	
)	
Petitioner,)	
vs.)	NO. CIV-09-1133-D
)	
GREG WILLIAMS, et al.,)	
)	
Respondents.)	

ORDER

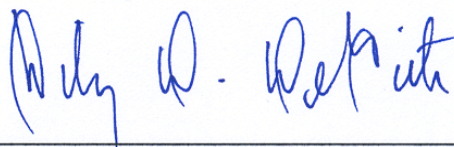
Petitioner, a state prisoner appearing *pro se*, brought this action seeking habeas corpus relief.

In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings. Petitioner filed a motion to proceed *in forma pauperis* [Doc. No. 2] and, in a Report and Recommendation [Doc. No. 7], the Magistrate Judge recommended that the motion be denied because Petitioner has sufficient funds to prepay the \$5.00 filing fee. He also recommended that Petitioner be directed to pay the \$5.00 filing fee and, if he did not do so by November 9, 2009, the Magistrate Judge recommended this action be dismissed without prejudice to the filing of a new action.

In the Report and Recommendation, the Magistrate Judge advised Petitioner of his right to file objections to the same no later than November 9, 2009. He also expressly cautioned Petitioner that his failure to object would constitute a waiver of the right to seek appellate review of the factual and legal matters addressed in the Report and Recommendation. Petitioner has not filed an objection and has not submitted the \$5.00 filing fee.

Accordingly, the Report and Recommendation [Doc. No. 7] is adopted as though fully set forth herein. This action is dismissed without prejudice to the filing of a new action.

IT IS SO ORDERED this 6th day of January, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE